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The Army's EO Program and Policies



Lesson 27: Complaint Procedures

Overview

- Describe the Army's EO Complaint Process
- Define the types of Complaints
- Describe the Alternative Agencies
- Describe the Actions of the Commander
- Explain the Appeals Process
- Describe Forms of reprisal
- Explain the Military Whistleblower Protection Law



Types of Complaints

- Informal
- Formal



Informal Complaints

- Not required to be filed in writing
- Resolution at lowest level
- Does not require chain of command intervention
- Confidentiality Possible (but not guaranteed)
- Not subject to timelines suspense
- Has a good chance of success
- Severity of complaint does not warrant formal complaint



Formal Complaints

- Decision factors for formal complaints
 - Inability to resolve the complaint informally
 - Soldier uncomfortable with the informal process
 - Issue may warrant an official investigation
 - Soldiers wants an official record kept of the complaint
 - The complaint is against the chain of command
 - Desires to use an outside agency or higher echelon



Formal Complaints

- Chain of Command
- Alternate Agencies
 - A Higher Echelon Commander
 - EOA
 - Chaplain
 - Staff Judge Advocate
 - Provost Marshall
 - Inspector General
 - Community Homefinding Referral and Relocation Services Office
 - Medical Agency Personnel



Commander's/Alternate Agency Responsibility

- Ensure information is complete (DA 7279-R)
- Ensure individual is sworn to complaint
- Clarify basis of complaint, Identifying additional information, parties involved, and witnesses
- Inform complainant of process
- Refer to appropriate commander or agency within 3 calendar days



Commander's Responsibility

- Acknowledge Receipt
- Notify GCMCA within 72 hours
 - **(update within 20 days, 14 days thereafter)**
- Develop a reprisal prevention plan to protect the complainant, alleged perpetrator, and any named witnesses
- Conduct inquiry/investigation within 14 calendars days
 - **(One extension up to 30 calendars days may be granted from the next higher commander, additional extensions must come from GCMCA)**



Elements of Inquiry/Investigation

- Clarify nature of complaints
- Interview as appropriate
- Gather information
- Consult Advisors
- Assess information
- Render decision of findings
- Provide written feedback within 14 calendar days
- Inform complainant of appeals process



Appeals Process

- Submit on separate paper within 7 calendar days
- Specify issues you disagree with
- Submit to immediate or next higher commander
- May request appointment with appeal authority
- Final decision authority is GCMCA in the chain of command
- No further appeal available within EO complaint system
- Follow-up Resolution Assessment by EOA 30-45 calendar days of closing case



Reprisal

Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act or act of retaliation, against a military member for making or preparing a protected communication.



Forms of Reprisal

- Threatening
- Intimidation
- Harassment



Protected Communication

- Violation of law or regulation
- Severe case of mismanagement
- Fraud, or a gross waste of public funds
- An abuse of authority or position
- Substantial danger to public safety
- Cooperated with or assisted in an audit, inspection or investigation



Military Whistleblower Protection Law

- Prohibits:
 - Restricting a military member from communicating with members of Congress, DoD officials, or other law enforcement agencies
 - Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act or act of retaliation, against a military member for making or preparing a protected communication



Reporting Incidents of Reprisal

- Made a “Protected Disclosure”
- Unfavorable action threatened or taken
- Officials or other persons who knew of disclosure or complaint
- Disclosure caused action taken
- Evidence that disclosure caused action

* Not required to report in order



Summary

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